

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DALLAS BUYERS CLUB, LLC.,

Plaintiff,

v.

KLAYTON ANDERSON,

Defendant.

Case No. 3:15-cv-1042-AC (Lead)
3:15-cv-1043-AC (Associated)

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge John V. Acosta issued Findings and Recommendation in this case on November 30, 2016. Judge Acosta recommended that Plaintiff's motion for attorney's fees be granted and Plaintiff's bill of costs be granted in part. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Acosta’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Judge Acosta’s Findings and Recommendation. (ECF 62 in Case No. 3:15-cv-1042-AC and ECF 59 in Case No. 3:15-cv-1043-AC). Plaintiff’s motion for attorney’s fees (ECF 58 in Case No. 15-1042- and ECF 55 in Case No. 15-1043) is GRANTED. Plaintiff is awarded attorney’s fees in the amount of \$3,108.30. Plaintiff’s cost bill (ECF 57 in 15-1042 and ECF 54 in 15-1043) is GRANTED IN PART. Plaintiff is awarded \$1,128 in costs.

IT IS SO ORDERED.

DATED this 19th day of December, 2016.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge